

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Andrea Roberson-Wade,

Plaintiff,
v.

Case No.:
Hon.

Fannie Mae, a foreign
corporation,

Defendants.

PITT MCGEHEE PALMER & RIVERS P.C.
Cary S. McGehee (P42318)
Channing Robinson-Holmes (P81698)
Attorneys for Plaintiff
117 W. Fourth Street, Suite 200
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COMPLAINT AND JURY DEMAND

Plaintiff, Andrea Roberson-Wade, by and through her attorneys, Pitt, McGehee, Palmer & Rivers P.C., files the following Complaint against Defendant, Fannie Mae ("FM"), and states as follows:

JURISDICTION, VENUE AND PARTIES

1. The jurisdiction of this Court over this controversy is based on 28 U.S.C. §1331, to enforce the provisions of Title VII of the Civil Rights Act of 1964,

as amended; 42 U.S.C. §2000e-2, and based on diversity of citizenship of the parties under 28 U.S.C. Section 1332(1).

2. This Court also has supplemental jurisdiction under 28 U.S.C. § 1367 to address the claims brought under the Michigan Elliott-Larsen Civil Rights Act. MCLA § 37. 2201-2202, because it is so related to the federal law claims that they form part of the same case or controversy.

3. The venue of this Court over this controversy is based on 28 U.S.C. §1391(d). Defendant Fannie Mae (“FM”) is a Washington, D.C. corporation doing business in this judicial district within the meaning of 28 U.S.C. §1391(c) and, accordingly, venue lies in this judicial district.

4. Defendant FM was at all times relevant hereto responsible for all personnel decisions related to Plaintiff’s employment at FM, including the decision to terminate Plaintiff’s employment.

5. Defendant is a corporation which transacts business and performs services in the State of Michigan.

6. Plaintiff, Andrea Roberson-Wade (“Roberson-Wade”), was employed with Defendant and, at all times relevant to this action, a citizen of the United States.

7. Prior to the filing of this lawsuit, Roberson-Wade filed a timely written charge of race and gender discrimination with the Equal Employment Opportunity Commission (“EEOC”).

8. On February 5, 2019, the EEOC issued a notice of right-to-sue letter. Roberson-Wade has filed this action within 90 days of her receipt of the right-to-sue letter. Accordingly, Roberson-Wade has exhausted all administrative remedies prior to the institution of this action. Therefore, this Complaint is properly filed pursuant to 29 U.S.C. §626(d).

FACTUAL ALLEGATIONS

9. Roberson-Wade was hired by FM in April of 2009 as a Portfolio Manager.

10. Prior to 2009, Roberson-Wade worked for FM on a full-time contractual basis as a Servicing Manager.

11. FM is a publicly traded leading source of financing for mortgage lenders. It has over 7,000 employees and is one of the-largest financial service companies in the nation. In 2017, its net revenue was over \$2.4 Billion.

12. As a Servicing Manager IV (Loan Servicing Specialist), Roberson-Wade worked remotng from her home in Michigan, and managed a FM Portfolio assets, consulted with Executive and Senior Servicing Leaders in areas

of servicing, investor reporting, delivery accuracy, and custodial account management, reporting, loss mitigation, and bankruptcy, foreclosure and lender compliance.

13. Prior to Roberson-Wade's employment with FM, she had been employed in the mortgage servicing profession for over 10 years

14. Throughout her employment with FM, Roberson-Wade had consistently good performance reviews.

15. Roberson-Wade is an African American woman.

16. Upon information and belief, Roberson-Wade was one of only a very few African American Service Managers employed within the Company nationwide.

17. Upon information and belief, as of January of 2018, 10% or less of FM's Service Managers nationwide were African American.

18. Upon information and belief, Roberson-Wade was one of only a very few female Service Managers employed within the Company nationwide.

19. Upon information and belief, as of January 2018, 16% or less of FM's Service Managers nationwide were female.

20. FM was obligated by federal law to refrain from discriminating against Roberson-Wade because of her status as a woman or because of her race.

21. On June 22, 2018, Roberson-Wade was informed by her manager, Vice President and Customer Delivery Team Leader, Jenny Shen, that she was being selected for termination effective July 6, 2018, due to a reduction in force (RIF).

22. Approximately, one week before Roberson-Wade was told that she was being selected for termination due to a RIF, FM transferred a Caucasian male, Michael Tussey, into a Service Manager IV position directly reporting to Roberson-Wade's manager, Shen.

23. At that time, Tussey was assigned to service the portfolio of another Caucasian male, Robert Cadd because Cadd was not competent to service the portfolio. Cadd also reports to Shen.

24. At the time that Roberson-Wade was informed that she would be terminated effective July 6, 2018, four Service Managers reported directly to Shen – Al Violanti, Cadd, Tussey and Roberson-Wade. Except for Roberson-Wade, all were Caucasian males.

25. FM did not select Tussey, Cadd, or Violanti for termination as a result of the RIF.

26. After Roberson-Wade was terminated, Cadd was given Roberson-Wade's portfolio to manage and effectively replaced Roberson-Wade.

27. Upon information and belief, Roberson-Wade's performance record for FM was better than that of Cadd, Tussey, and Violanti.

28. Roberson-Wade was selected for termination in relation to the 2018 RIF because of her gender and race.

29. At the time of her termination from FM, Roberson-Wade was earning an annual salary of approximately \$117,600, along with valuable benefits of employment, including health insurance for Roberson-Wade and her family.

COUNT I
VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT RACE
DISCRIMINATION

30. Plaintiff incorporates by reference the allegations set forth above as if stated in full herein.

31. At all times relevant to this action, Defendant was an employer and Plaintiff was an employee under Title VII of the federal Civil Rights Act, 42 U.S.C. 2000(e) et seq.

32. At all times relevant to this action, Defendant was prohibited under Title VII from making any employment decisions regarding Plaintiff which were motivated by Plaintiff's race.

33. In violation of this duty, Defendant terminated Plaintiff's employment because of her race.

34. The reasons provided for Plaintiff's termination were a pretext for race discrimination.

35. As a direct and proximate result of Defendant's race discrimination, Plaintiff has suffered and will continue to suffer lost wages, and other economic advantages of employment; Plaintiff has and will continue to suffer mental anguish, humiliation, embarrassment, and emotional distress resulting from the discriminatory conduct of the Defendant.

Accordingly, Plaintiff requests the following relief:

- a. An order reinstating Plaintiff to her former position or a comparable position;
- b. An order awarding Plaintiff economic and emotional damages, both past and future, in an amount she is found to be entitled to;

- c. An order awarding Plaintiff punitive damages as provided for under Title VII;
- d. An order awarding Plaintiff interest, costs, attorney fees and litigation expenses as provided for under Title VII;
- e. An order granting Plaintiff such other relief as the court deems just and equitable.

COUNT II
VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT GENDER
DISCRIMINATION

36. Plaintiff incorporates by reference the allegations set forth above as if stated in full herein.
37. At all times relevant to this action, Defendant was an employer and Plaintiff was an employee under Title VII of the federal Civil Rights Act, 42 U.S.C. 2000(e) et seq.
38. At all times relevant to this action, Defendant was prohibited under Title VII from making any employment decisions regarding Plaintiff which were motivated by Plaintiff's gender.
39. In violation of this duty, Defendant terminated Plaintiff's employment because of her gender.

40. The reasons provided for Plaintiff's termination were a pretext for gender discrimination.

41. As a direct and proximate result of Defendant's gender discrimination, Plaintiff has suffered and will continue to suffer lost wages, and other economic advantages of employment; Plaintiff has and will continue to suffer mental anguish, humiliation, embarrassment, and emotional distress resulting from the discriminatory conduct of the Defendant.

Accordingly, Plaintiff requests the following relief:

- a. An order reinstating Plaintiff to her former position or a comparable position;
- b. An order awarding Plaintiff economic and emotional damages, both past and future, in an amount she is found to be entitled to;
- c. An order awarding Plaintiff punitive damages as provided for under Title VII;
- d. An order awarding Plaintiff interest, costs, attorney fees and litigation expenses as provided for under Title VII;

- e. An order granting Plaintiff such other relief as the court deems just and equitable.

COUNT III
VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT
RACE DISCRIMINATION

- 42. Plaintiff incorporates by reference the allegations set forth above as if stated in full herein.
- 43. At all times relevant to this action, Defendant was an employer and Plaintiff was an employee under Michigan Elliott- Larsen Civil Rights Act, MCLA § 37. 2201-2202.
- 44. At all times relevant to this action, Defendant was prohibited under the Elliott-Larsen Civil Rights Act (“ELCRA”) from making any employment decisions regarding Plaintiff which were motivated by Plaintiff’s race.
- 45. In violation of this duty, Defendant unfairly criticized Plaintiff’s performance, disciplined Plaintiff and terminated her employment because of her race.
- 46. The reasons provided for Plaintiff’s termination were pretext for race discrimination.
- 47. As a direct and proximate result of Defendant’s race discrimination, Plaintiff has suffered and will continue to suffer lost wages, and other

economic advantages of employment; Plaintiff has and will continue to suffer mental anguish, humiliation, embarrassment, and emotional distress resulting from the discriminatory conduct of the Defendant.

Accordingly, Plaintiff requests the following relief:

- a. An order reinstating Plaintiff to her former position or a comparable position;
- b. An order awarding Plaintiff economic and emotional damages, both past and future, in an amount she is found to be entitled to;
- c. An order awarding Plaintiff interest, costs, attorney fees and litigation expenses as provided for under the ELCRA;
- d. An order granting Plaintiff such other relief as the court deems just and equitable.

COUNT IV
VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT
GENDER DISCRIMINATION

48. Plaintiff incorporates by reference the allegations set forth above as if stated in full herein.

49. At all times relevant to this action, Defendant was an employer and Plaintiff was an employee under Michigan Elliott- Larsen Civil Rights Act, MCLA § 37. 2201-2202.
50. At all times relevant to this action, Defendant was prohibited under the Elliott-Larsen Civil Rights Act (“ELCRA”) from making any employment decisions regarding Plaintiff which were motivated by Plaintiff’s gender.
51. In violation of this duty, Defendant unfairly criticized Plaintiff’s performance, disciplined Plaintiff and terminated her employment because of her gender.
52. The reasons provided for Plaintiff’s termination were pretext for gender discrimination.
53. As a direct and proximate result of Defendant’s gender discrimination, Plaintiff has suffered and will continue to suffer lost wages, and other economic advantages of employment; Plaintiff has and will continue to suffer mental anguish, humiliation, embarrassment, and emotional distress resulting from the discriminatory conduct of the Defendant.

Accordingly, Plaintiff requests the following relief:

- a. An order reinstating Plaintiff to her former position or a comparable position;

- b. An order awarding Plaintiff economic and emotional damages, both past and future, in an amount she is found to be entitled to;
- c. An order awarding Plaintiff interest, costs, attorney fees and litigation expenses as provided for under the ELCRA;
- d. An order granting Plaintiff such other relief as the court deems just and equitable.

Respectfully submitted,

PITT McGEHEE PALMER & RIVERS, P.C.

By: 

Cary S. McGehee (P42318)

Attorney for Plaintiff

117 W. Fourth Street, Ste. 200

Royal Oak, MI 48067

(248) 398-9800

cmcgehee@pittlawpc.com

Dated: May 3, 2019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
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JURY DEMAND

Plaintiff herein demands a trial by jury of all issues to the within cause of
action.

PITT, MCGEHEE, PALMER & RIVERS P.C.

By: 

Cary S. McGehee (P42318)

Attorney for Plaintiff

117 W. Fourth Street, Ste. 200

Royal Oak, MI 48067

(248) 398-9800

cmcgehee@pittlawpc.com

Dated: May 3, 2019

JS 44 (Rev. 11/15)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Andrea Roberson-Wade,

(b) County of Residence of First Listed Plaintiff Macomb
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cary S. McGehee (P42318)
117 W. 4th Street, Ste. 200
Royal Oak, MI 48067 (248) 398-9800

DEFENDANTS

Fannie Mae, a foreign corporation,

County of Residence of First Listed Defendant Washington, D.C.
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 495 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC § 2000e-2

Brief description of cause: Race/gender discrimination; Title VII

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE